

TELEFACSIMILE LETTER FROM

Jones Day
222 East 41st Street
New York, New York 10017
Telephone Number (212) 790-9090
Fax Nos.: (212) 869-9741/8864

RECEIVED
CENTRAL FAX CENTER

FEB 20 2004

TO: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

FAX NO.: 703-872-9306

FROM: Laura A. Coruzzi

PAGES: 22

DATE: February 20, 2004

Application of: Jin *et al.*

Application No.: 09/161,122

Filed: September 25, 1998

For: RECOMBINANT RSV EXPRESSION
SYSTEMS AND VACCINES

Confirmation No.: 7220

Group Art Unit: 1648

Examiner: Lucas, Zachariah

Attorney Docket No.: 7682-45

Transmitted herewith for filing are the following:

- (a) Transmittal of Resubmission of Response under 37 C.F.R. § 1.111 with Exhibit A and Exhibit B; and
- (b) a copy of the Amendment Under 37 C.F.R. § 1.111 as filed on November 24, 2003;
- (c) a copy of the Amendment Fee Transmittal Sheet; and
- (d) a copy of the Petition For Extension Of Time Under 37 C.F.R. § 1.136(a) for a period of 1 month.

CERTIFICATION OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. 1.8(a)

I hereby certify that this paper is being filed with the United States Patent and Trademark Office by facsimile transmission on February 20, 2004 to facsimile telephone number 1 703-872-9306.

by: *Kelashian Markink*
(Reg. No. 52, 413)

Laura A. Coruzzi

Laura A. Coruzzi
(Reg. No. 30,742)

RECEIVED
CENTRAL FAX CENTER

FEB 20 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Jin *et al.*

Application No.: 09/161,122

Filed: September 25, 1998

For: RECOMBINANT RSV EXPRESSION
SYSTEMS AND VACCINES

Confirmation No.: 7220

Group Art Unit: 1648

Examiner: Lucas, Zachariah

Attorney Docket No.: 7682-45

TRANSMITTAL OF RESUBMISSION OF RESPONSE UNDER 37 C.F.R. § 1.111Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

An Office Action was mailed on July 29, 2003 ("Action") in connection with the above-identified patent application. A response to the Action was sent via Express Mail to the United States Patent and Trademark Office on November 24, 2003 ("Response"). On February 12, 2004, Examiner Zachariah Lucas informed Applicants that the Response was not entered by the PTO. Further, Examiner Zachariah Lucas informed Applicants that the fees that accompanied the response were deducted from Pennie & Edmonds LLP Deposit Account No. 16-1150. Applicants resubmit herewith a copy of the response and its enclosures.

CERTIFICATION OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. 1.8(a)

I hereby certify that this paper is being filed with the United States Patent and Trademark Office by facsimile transmission on February 20, 2004 to facsimile telephone number 703-872-9306.

*Laura A. Coruzzi*by: *Sebastian Martinez*
(Reg. No. 52,413)Laura A. Coruzzi
(Reg. No. 30,742)

- 1 -

NYJD: 1508890.1

THE RESPONSE

Applicants submitted along with the Response Under 37 C.F.R. § 1.111 on November 24, 2003 the following documents: (1) an Amendment Fee Transmittal Sheet (in duplicate); and (2) a Petition For Extension Of Time Under 37 C.F.R § 1.136(a)(in duplicate) for a period of 1 month.

That these documents were indeed sent to the United States Patent and Trademark Office ("PTO") and received by the PTO is documented by the following papers: a copy of the return receipt postcard identifying the documents that were filed on November 24, 2003 in response to the Action carrying the stamp of the PTO, dated November 24, 2003 indicating receipt by the PTO (attached hereto as Exhibit A); and a copy of the documents that were filed via Express Mail on November 24, 2003, in response to the Action with Express Mail Label No. EV 335 857 959 US (attached hereto as Exhibit B).

THE RESUBMISSION

Applicants resubmit herewith copies of the following documents: (1) the Amendment Under 37 C.F.R. § 1.111 as filed on November 24, 2003; (2) the Amendment Fee Transmittal Sheet; and (3) the Petition For Extension Of Time Under 37 C.F.R § 1.136(a) for a period of 1 month from October 29, 2003 up to and including November 29, 2003.

FEES

As the fees that accompanied the response were already deducted from Pennie & Edmonds LLP Deposit Account No. 16-1150,¹ no fee is believed to be due for the present resubmission. Therefore, documents that were submitted on November 24, 2003 with the Response in duplicate because they were accompanied by a fee, are resubmitted as single copies and not in duplicate. Should any fee be required, however, please charge such fee to Jones Day Deposit Account No. 16-1150.

Respectfully submitted, *by: Sebastian Kartinel*
(Reg. No. 52,413)

Date: February 20, 2004

Laura A. Coruzzi 30,742
Laura A. Coruzzi (Reg. No.)
JONES DAY
222 East 41st Street
New York, New York 10017
(212) 326-3939

Enclosures

¹ Please be informed that the present application has been transferred to the law offices of Jones Day and that the attorneys who handled the present application at Pennie & Edmonds LLP have joined the legal staff of Jones Day. A Revocation and Power of Attorney will be filed in due course.

EXHIBIT A

Express Mail No.: EV 335 857 959 US First Class Mail ()

Date Mailed: November 24, 2003

Application No.: 09/161,122 Filed: September 19, 1998

Inventor: Lin et al.

For: RECOMBINANT RSV EXPRESSION SYSTEMS AND VACCINES

The stamp of the Patent Office hereon may be taken as an acknowledgment of the date stamped of the following:

- (1) Amendment Under 37 C.F.R. § 1.111; and
- (2) Amendment Fee Transmittal Sheet (in duplicate); and
- (3) Petition For Extension Of Time Under 37 CFR § 1.136(a) (in duplicate);

File No.: 7682-045 Sender: LAC/IZB/SXM



BUSINESS REPLY MAIL
FIRST CLASS MAIL PERMIT NO. 1573 NEW YORK, NY

POSTAGE WILL BE PAID BY ADDRESSEE

Pennie & Edmonds LLP
1155 Avenue of the Americas
New York, NY 10109-1441



EXHIBIT B

DATE: 11/24/03

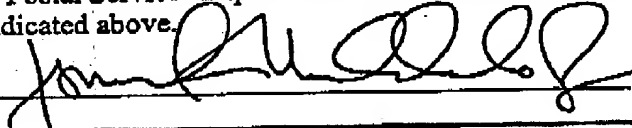
EV335857959US

THE EXPRESS MAIL NUMBER OF THE DAY IS: EV 335 857 959 US

THE PERSON TAKING EXPRESS MAIL TO THE POST OFFICE IS: ISMAEL MALDONADO

EXPRESS MAIL CERTIFICATION

"Express Mail" label No. EV 335 857 959 US Date of Deposit 11/24/03 I hereby certify that the below-listed papers or fees were inserted into a package that was addressed to the Commissioner For Patents, PO BOX 1450 Alexandria, Virginia 22313-1450 and was deposited by me with the United States Postal Service "Express Mail Post Office Addressee" service under 37 C.F.R. 1.10 on the date indicated above.

Signature: Date: 11/24/03

CORUZZI JZB SXM	7682-045 <i>WA</i>	AMENDMENT UNDER 37 CFR 1.111 (RESP. TO OA MAILED 7/29/03); AMENDMENT FEE TRANSMITTAL SHEET; PETITION FOR EXT. OF TIME FROM 10/29/03 TO 11/29/03 (RESP. TO OA 7/29/03)	+	<i>h</i>
-----------------------	-----------------------	--	---	----------

Express Mail No.: EV 335 857 959 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**RECEIVED
CENTRAL FAX CENTER**

Application of: Jin et al.

Serial No.: 09/161,122

Filed: September 25, 1998

For: **RECOMBINANT RSV EXPRESSION
SYSTEMS AND VACCINES**

Confirmation No.: 7220

FEB 20 2004

Art Unit: 1648

Examiner: Lucas, Zachariah

Attorney Docket No: 7682-045

FEE TRANSMITTAL SHEET

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The fee required to be filed with the accompanying amendment of even date herewith concerning the above-identified application has been estimated to be \$138.00.

The claim amendment fee has been estimated as shown below:

(Col. 1)		(Col. 2)		(Col. 3)		<input type="checkbox"/> SMALL ENTITY		<input checked="" type="checkbox"/> OTHER THAN A SMALL ENTITY	
CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID		PRESENT EXTRA		RATE	ADDIT. FEE	OR	RATE
TOTAL	30	MINUS	27	3		x 9	\$		x 18
									\$
INDEP.	8	MINUS	7	1		x 42	\$		x 84
									\$
							\$		\$
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM						TOTAL	\$	OR	TOTAL
									\$
									138.00

Please charge any required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is enclosed.

Respectfully submitted,

by: *Jacqueline Benn*
Reg No. 43,492
Laura A. Coruzzi
30,742
Laura A. Coruzzi (Reg. No.)

Date: November 24, 2003

PENNIE & EDMONDS LLP
1155 Avenue of the Americas
New York, New York 10036-2711
(212) 790-9090

Enclosure

NY2: 1482578.1